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Paper No.

THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
MURRAY HILL, NJ 07974

COPY MAILED

DEC 06 2004

In re Application of:	:	
Russell and Winterfeldt	:	
Application No. 10/601,687	:	CORRECTED
Filed: June 23, 2003	:	DECISION GRANTING
Title of Invention: METHOD AND	:	PETITION UNDER
APPARATUS FOR SELF-CONFIGURING	:	37 CFR 1.47(a)
SUPERVISORY CONTROL AND DATA	:	
ACQUISITION (SCADA) SYSTEM FOR	:	
DISTRIBUTED CONTROL	:	

This is in response to the Request for Reconsideration of Petition Under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor, and on the petition under 37 CFR 1.137(b), to revive the application.

The petition under 37 CFR 1.47(a) is granted.

The petition under 37 CFR 1.137(b) is dismissed as moot.

The above-identified application was filed on June 23, 2003, without an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 31, 2003, requiring *inter alia*, a properly signed oath or declaration. The Notice set a two month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor, on July 9, 2004. In a decision mailed September 2, 2004, Applicant was advised that the application was abandoned for failing to timely and properly to the Notice, mailed December 31, 2003. In the interest of time, the rule 47 petition was evaluated and dismissed for failing to provide applicant with a copy of the application. With the instant petition Applicant correctly points out that a copy of the application was sent to the nonsigning inventor as evidenced by a copy of the cover letter filed with the July 9, 2004 petition. Applicant requests a refund of the petition fee for reconsideration of this petition.

Applicant is advised that no fee is due for reconsideration of a dismissed petition. Any fees paid for reconsideration of the petition will be refunded.

A further review of the file reveals that the July 9, 2004 petition was timely filed, and the application was NOT abandoned. The Notice was mailed December 31, 2003. Applicant was given two (2) months to respond to the Notice, and extensions of time were available. Accordingly, and since the reply period for the Notice is not set by statute, five (5) months of extensions of time were available. Applicant was given until July 31, 2004 to timely respond to the Notice. A review of the application file further reveals that Applicant paid the five (5) month extension of time fee on July 9, 2004, upon filing the July 9, 2004 petition.

Accordingly, the petition fee for the petition to revive the application is unnecessary and the petition is hereby dismissed as moot. A refund of the fees for the petition to revive¹ and for the Request for Reconsideration of Petition Under 37 CFR 1.47, have been refunded to deposit account 02-2865 as authorized in the instant petition and on the transmittal form filed with the instant application on June 23, 2003.

Petitioner has shown that the non-signing inventor, Charles Winterfeldt, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is an Image File Wrapper ("IFW"), as such, no forwarding of the file is necessary. An electronic message will be sent to the Office of Initial Patent Examination that rule 47 status has been accorded the application, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek Woods
Derek L. Woods
Attorney Advisor
Office of Petitions

¹ The fee for a petition to revive an unintentionally abandoned application is currently \$1370.00.



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MR. CHARLES WINTERFELDT
10195 BELL AVENUE
PLATO, MN 55370

In re Application of: : **COPY MAILED**
Russell and Winterfeldt : **DEC 06 2004**
Application No. 10/601,687 :
Filed: June 23, 2003 : **LETTER** **OFFICE OF PETITIONS**
Title of Invention: METHOD AND :
APPARATUS FOR SELF-CONFIGURING :
SUPERVISORY CONTROL AND DATA :
ACQUISITION (SCADA) SYSTEM FOR :
DISTRIBUTED CONTROL :
:

Dear Mr. Winterfeldt:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Derek L. Woods
Petitions Attorney
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